

9 *Attorneys for Paramount Pictures*
10 Corporation

Marc Toberoff (S.B. #188547)
mtoberoff@toberoffandassociates.com
TOBEROFF & ASSOCIATES, P.C.
23823 Malibu Road, Suite 50-363
Malibu, CA 90265
Telephone: (310) 246-3333
Facsimile: (310) 246-3101

Alex Kozinski (S.B. #66473)
alex@kozinski.com
719 Yarmouth Rd, Suite 101
Palos Verdes Estates, CA 90274
Telephone: (310) 541-5885
Facsimile: (310) 265-4653

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

16 SHOSH YONAY, an individual, and
17 YUVAL YONAY, an individual,

Plaintiffs,

21 PARAMOUNT PICTURES
22 CORPORATION, a Delaware
corporation,

Defendant.

Case No. 2:22-CV-3846-PA-GJS

**JOINT STIPULATION
REGARDING MODIFICATION
OF TRIAL AND PRETRIAL
DATES**

District Judge: Hon. Percy Anderson
Magistrate Judge: Hon. Gail J. Standish

STIPULATION

Plaintiffs Shosh Yonay and Yuval Yonay (“Plaintiffs”) and Defendant Paramount Pictures Corporation (“Paramount Pictures” or “Defendant”) (collectively, the “Parties”) stipulate as follows:

WHEREAS, in the initial scheduling order in this case, the Court “order[ed] that discovery is to be bifurcated into liability and damages phases and stay[ed] damages discovery until the Court rules on Defendant’s anticipated motion for summary judgment on liability, or until further order of the Court.” Dkt. 30 at 2;

WHEREAS, the Parties have filed cross motions for summary judgment, with these motions scheduled to be heard on January 8, 2024;

WHEREAS, the damages expert report deadline is currently scheduled for January 5, 2024—*before* the parties’ cross motions for summary judgment are scheduled to be heard—and damages discovery is currently set to close on February 23, 2024—approximately six weeks after the parties’ cross motions for summary judgment are scheduled to be heard;

WHEREAS, the outcome of the Parties' cross-motions for summary judgment will necessarily impact the scope of damages discovery, if any. For example, even if the motions are denied, the Court's reasoning would likely affect the scope of damages discovery and the parties' experts analyses;

WHEREAS, to the extent necessary, damages discovery is anticipated to “involve a high degree of complexity and disputes requiring court intervention,” as “[o]ne of the most difficult problems in the computation of profits for which the defendant is liable arises when the infringing work inextricably intermingles noninfringing material with plaintiff’s protectable material.” *See Bassil v. Webster*, 2021 WL 1235258, at *2 (C.D. Cal. Jan. 15, 2021).

WHEREAS, damages discovery further implicates Paramount Pictures' sensitive and confidential financial information regarding the blockbuster movie,

Top Gun: Maverick;

WHEREAS, under the current schedule, damages discovery needs to commence immediately and prior to any ruling by the Court on the Parties' cross motions for summary judgment, as the Parties need to propound written discovery requests, respond to those requests, resolve any disputes with respect thereto, and conduct expert discovery;

WHEREAS, the requested modification to the case schedule will not meaningfully delay the overall progress of the case and may actually increase the efficient progression of the case.

10 Based on the foregoing, **IT IS HEREBY STIPULATED** by and between
11 the Parties, through their respective counsel of record, subject to the Court's
12 approval, that:

13 1. Damages discovery is stayed and all remaining deadlines are held
14 in abeyance pending the Court's ruling on the Parties' cross-motions for
15 summary judgment.

16 2. Alternatively, if the Court prefers to enter new damages discovery
17 deadlines at this time, the Parties respectfully request a four-month period to
18 conduct damages discovery, with the deadline to complete damages discovery
19 continued to May 6, 2024, the damages expert report deadline continued to
20 March 18, 2024, and the rebuttal damages expert report deadline continued to
21 April 8, 2024.

23 | Date: November 14, 2023

TOBEROFF & ASSOCIATES, P.C.

By: */s/ Marc Toberoff*
Marc Toberoff

Marc Toberoff
mtoberoff@toberoftandassociates.com
23823 Malibu Road, Suite 50-363
Malibu, CA 90265

1 Telephone: (310) 246-3333
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6 *Attorneys for Plaintiffs*
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Date: November 14, 2023

O'MELVENY & MYERS LLP

6 By: /s/ *Molly M. Lens*
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Molly M. Lens
mlens@omm.com
Matthew Kaiser
mkaiser@omm.com
Danielle Feuer
dfeurer@omm.com
1999 Avenue of the Stars, 8th Floor
Los Angeles, California 90067
Telephone: (310) 553-6700
Facsimile: (310) 246-6779

15 *Attorneys for Paramount Pictures*
16 *Corporation*
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SIGNATURE ATTESTATION

Pursuant to CACD Local Rule 5-4.3.4(a)(2)(i), I certify that I have obtained authorization to file this document from the other signatories to this document and that all other signatories have authorized placement of their electronic signature on this document.

Date: November 14, 2023

By: /s/ *Molly M. Lens*
Molly M. Lens

Molly M. Lens
mlens@omm.com
Matthew Kaiser
mkaiser@omm.com
Danielle Feuer
dfeurer@omm.com
1999 Avenue of the Stars, 8th Floor
Los Angeles, California 90067
Telephone: (310) 553-6700
Facsimile: (310) 246-6779

*Attorneys for Paramount Pictures
Corporation*